

GAHC010144032024



THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Bail Appln./2115/2024

REZLIN AHMED AND ANR.
W/O ATIKUL AHMED
R/O CD ROAD,
WARD NO. 7 NEAR PANINDA ROAD SCHOOL,
P.S. LAKHIMPUR SADAR
DIST. LAKHIMPUR, ASSAM

2: MALLIKA KHATUN @ PARBIN SULTANA
D/O IBRAHIM ALI
R/O MAJOR TIKA GAON
P.S. PANIGAON
DIST. LAKHIMPUR
ASSA

VERSUS

THE STATE OF ASSAM
REP BY THE PP, ASSAM

Advocate for the Petitioner : MR H R A CHOUDHURY

Advocate for the Respondent : PP, ASSAM

BEFORE
HONOURABLE MRS. JUSTICE MITALI THAKURIA

ORDER

Date : 23.07.2024

Heard Mr. HRA Choudhury, learned Senior counsel, assisted by Mr. I.U. Choudhury,

learned counsel for the petitioners and Mr. P. Borthakur, learned Addl. Public Prosecutor for the State respondent.

Case diary as called for is received and perused.

Heard both sides.

This is an application under Section 483 of BNSS, 2023, filed by the petitioners, namely **(1) Rezlin Ahmed and (2) Mallika Khatun @ Parbin**, praying for regular bail, who were arrested on 13.06.2024 in connection with Dispur P.S. Case No. 587/2024 under Sections 120B/ 419/ 387 IPC.

It is submitted by the learned counsel for the petitioners that the petitioners are innocent and they are in no way involved with the alleged offence. However, he submits that as per the statement of the FIR, there is no ingredient of extortion against the petitioners and Section 387 IPC is not attracted in this case. Moreover, the petitioners are behind the bar for last 40 days and considering the length of detention, the prayer for bail may be considered. He further submits that some co-accused have been enlarged on bail and on the ground of parity, the present petitioners may be granted regular bail. However, the petitioners are ready and willing to cooperate with the investigation and trial, if they are enlarged on regular bail.

In this context, the learned Additional Public Prosecutor has submitted that the present accused petitioners alongwith others have committed the offence in the apartment and their ill-activities are known to the local people as well as the police person and the police arrested them on the basis of the G.D. entry. Mr. Borthakur further submits that it is a crime against the society. However, considering the length of detention and parity, bail petition may be considered

Hearing the submission of the learned counsel for both the parties and considering the entire aspect of the matter, more particularly, only considering the period of detention and on the ground of parity, prayer for bail is allowed.

Accordingly, it is directed that the petitioners named above, be released on bail on furnishing a bond of Rs. 20,000/- (Rupees twenty thousand) each with 1 (one) suitable surety of like amount to the satisfaction of the learned CJM, Kamrup (Metro), Guwahati in connection with the aforementioned case.

The direction for bail is further subject to the conditions that the accused-petitioners:

- (a) shall not leave the territorial jurisdiction of the learned CJM, Kamrup (Metro), Guwahati, without prior written permission from him/ her;
- (b) shall not hamper in the investigation of the case and tamper with the evidence of the case; and
- (c) shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/ them from disclosing such facts to the Court or to any police officer.

In terms of the above, this bail application stands disposed of.

Return the case diary.

JUDGE

Comparing Assistant